

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Representative D. Wood**

A Bill

HOUSE BILL 1067

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED §§3-9-202 ET AL.
9 TO ALLOW CONVENTION FACILITIES TO SELL ALCOHOLIC BEVERAGES
10 FOR ON PREMISES CONSUMPTION; AND FOR OTHER PURPOSES".

Subtitle

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12
13 "TO ALLOW CONVENTION FACILITIES TO SELL ALCOHOLIC
14 BEVERAGES FOR ON PREMISES CONSUMPTION."

15
16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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18 SECTION 1. Arkansas Code Annotated §3-9-202 is amended by adding
19 subsection 12 to the end thereof to read as follows:

20 "(12) Convention facility means any establishment, business or service
21 designated as a convention facility by the Director of the Alcoholic Beverage
22 Control Division."

23
24 SECTION 2. Arkansas Code Annotated §3-9-210 is amended to read as
25 follows:

26 "§3-9-210. Permit to sell beverages - Issuance.

27 (a) Any hotel, restaurant or convention facility, as defined in
28 §3-9-202, desiring to sell alcoholic beverages for on-premises consumption
29 shall make application to the director for a permit upon forms prescribed and
30 furnished by the director and in accordance with the rules and regulations of
31 the board.

32 (b) No applicant shall be authorized to make any such sales until a
33 permit is approved and issued by the director.

34 (c) The board shall have authority to require an applicant, under oath,
35 to disclose the following information:

1 (1) The name of the applicant;

2 (2) Location of the hotel, restaurant or convention facility;

3 (3) Sufficient data to establish that the applicant meets the
4 requirements of 3-9-202;

5 (4) The names and addresses of all owners of the hotel,
6 restaurant or convention facility;

7 (5) That the applicant is a citizen or resident alien of the
8 United States and a resident of Arkansas on the date of application, and if a
9 corporation, duly qualified to do business in this state;

10 (6) That neither the applicant nor any person to be employed in
11 the serving of beverages authorized herein shall be a person who has been
12 convicted within five (5) years of the date of their employment of any
13 violation of the laws against possession, sale, manufacture, or transportation
14 of intoxicating liquor, or convicted of a felony;

15 (7) That the manager or operator of the hotel, restaurant or
16 convention facility seeking the permit is of good moral character and not a
17 convicted felon; and

18 (8) Such other relevant information as may be required.

19 (d) Every permit issued under this subchapter shall be for an
20 indeterminate period, subject to compliance with the annual renewal
21 requirements herein prescribed and shall not be transferable or assignable, as
22 to owner or premises, except upon the written approval of the director."
23

24 SECTION 3. Arkansas Code Annotated §3-9-212 is amended to read as
25 follows:

26 "3-9-212. Permit to sell beverages - Fees.

27 (a) Each application for a permit shall be accompanied by a permit fee
28 in the following applicable amount:

29 Hotel, having fewer than 100 rooms \$ 500

30 Hotel, having 100 or more rooms 1,000

31 Restaurant, having a seating capacity of less
32 than 100 persons 500

33 Restaurant, having a seating capacity of 100
34 or more persons 1,000

35 Convention facility, having a seating capacity of less

1 than 100 persons.....\$ 500
2 Convention facility, having a seating capacity of 100 or more
3 persons.....\$1,000

4 (b) An annual renewal fee in the same amount as provided in subsection
5 (a) above shall be paid to the director on or before June 30 of each calendar
6 year for the fiscal year beginning July 1.

7 (c) The fee for a permit issued between January 1 and July 1 shall be
8 one-half (1/2) of the applicable amount specified in subsection (a) above."

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10 SECTION 4. Subchapter 9 of Chapter 3 of Arkansas Code Annotated is
11 amended by adding the following section:

12 "3-9-238. Designation of convention facility shall be made by the
13 Director of the Alcoholic Beverage Control Division based on the following
14 criteria:

15 (A) The facility is or would be within a radius of one mile or less of
16 an operating *municipally owned* convention center located within the city or
17 within an immediately adjacent city *either of which shall be no further than*
18 *ten (10) miles of a navigable river with active interstate river traffic and*
19 *commerce; and*

20 (B) The activities proposed for the convention facility would provide
21 recreational, leisure or entertainment activities for visitors to the city and
22 users of the convention center and would promote tourism in the city; and

23 (C) The activities proposed for the convention facility, if any, meet
24 the contemporary moral standards of the community as a whole.

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26 SECTION 5. All provisions of this act of a general and permanent nature
27 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
28 Revision Commission shall incorporate the same in the Code.

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30 SECTION 6. If any provision of this act or the application thereof to
31 any person or circumstance is held invalid, such invalidity shall not affect
32 other provisions or applications of the act which can be given effect without
33 the invalid provision or application, and to this end the provisions of this
34 act are declared to be severable.

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1 SECTION 7. All laws and parts of laws in conflict with this act are
2 hereby repealed.

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4 SECTION 8. EMERGENCY. It is hereby found and determined that
5 additional general revenues are required for the State Apportionment Fund to
6 support programs vital to the health, education, welfare, and safety of the
7 people of this state and that unless such funds are provided, curtailment of
8 these programs will be necessary; that the expanded economic growth of the
9 State of Arkansas is essential to providing sources of tax revenue to support
10 these programs; that the provisions of this act will stimulate the tourist and
11 convention business in this state and will provide increased revenues from
12 existing taxes; that the revenues to be collected under this act are essential
13 to continuing existing levels of government; and that the immediate passage of
14 this act is necessary to accomplish the purpose stated herein. This act will
15 generate additional revenue necessary to meet the needs described and those
16 needs will not be properly met until the additional revenues are received.
17 Therefore, an emergency is declared to exist and this act, being necessary for
18 the immediate preservation of the public peace, health and safety, shall be in
19 full force and effective from and after the date of its passage and approval.

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22 /s/Doug Wood

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